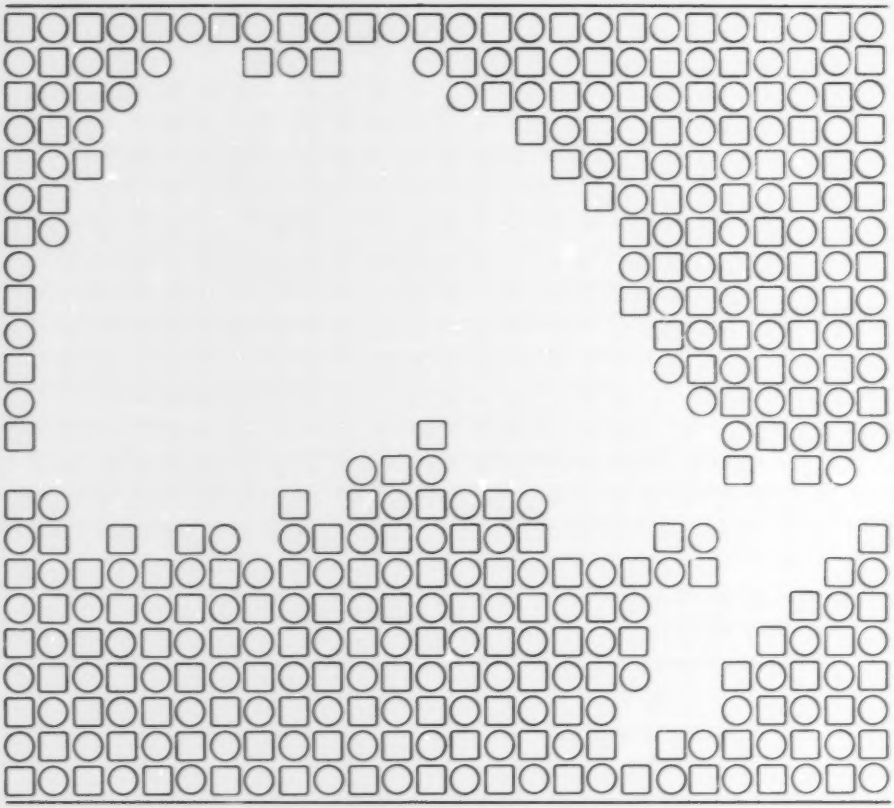
Ontario
Ministry of
Labour

Occupational
Health and Safety
Division

A Guide for Joint Health and Safety Committees and Representatives in the Workplace



A Guide for Joint Health and Safety Committees and Representatives in the Workplace

March 1983

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ISBN 0-7743-8150-7

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Introduction

The Occupational Health and Safety Act provides a legal basis for the protection of workers exposed to hazards in the workplace. A central theme within the Act is the requirement that everyone in a workplace shares the responsibility for safety and health. Joint health and safety committees form a mechanism for maintaining this co-operative effort.

This booklet contains guidelines to help companies and their employees develop effective joint health and safety committees. The information provided is not intended to be an authoritative legal directive or substitute for the Act, but is intended to help workers, worker representatives, supervisors and company managers comply with the Act and the concepts that underly it. The booklet provides a summary of the legal requirements; these are paraphrased and appear in ***boldface italic*** print. Other parts of the booklet contain suggestions that serve as guidelines to what individuals should do as a matter of good practice. They are not legal requirements. Sections 7 and 8 of the Act deal specifically with health and safety representatives and health and safety committees. For convenience, these sections have been reproduced in Appendix 1 of this booklet.

1. Joint Health and Safety Committees – An Overview

Why are joint health and safety committees necessary?

Health and safety is a shared interest of employers and workers that may result in an improved quality of work life and a positive atmosphere for production. The best way to ensure that everything possible is done to prevent accidents and reduce health hazards is to involve people from all levels within an organization. ***Section 8 of the Occupational Health and Safety Act sets out the requirements for employers and workers to share in these responsibilities through the establishment of a joint health and safety committee.***

What are the objectives of the joint health and safety committee?

The committee is an advisory body that is expected to help stimulate an awareness of safety issues and an atmosphere of co-operation between employers and workers. To achieve this goal ***the committee is required to hold meetings and inspect the workplace. In addition the committees are required to participate in the development of assessment reports and control program reports required under the designated substances regulations.*** There are designated substance regulations for lead, mercury, asbestos, vinyl chloride and coke oven emissions. Other substances may be designated so check with the ministry's local office for further information. As well, the committee members should be available to receive complaints, discuss problems and develop recommended solutions at committee meetings, facilitate communication between management and labour, and facilitate communication with various health and safety organizations and the Ministry of Labour. In some cases, a long-term goal of the committee may be to produce

materials that could be included in, or added to, the employer's operating manuals and procedures.

Where are joint health and safety committees required?

Section 8 of the Act requires joint health and safety committees to be established in every workplace where 20 or more workers are employed. They are also required in those workplaces to which a designated substance regulation applies and in those workplaces where an order under the Toxic Substances part of the Act (section 20) is in effect. The Minister of Labour is empowered to order the establishment of a committee within any workplace (section 8(3)).

Are there any exceptions?

Several workplaces may be exempted from the requirement to have a joint health and safety committee. ***Workplaces with committees or arrangements established prior to October 1, 1979 and similar in function to a joint health and safety committee may be exempted. These existing committees or arrangments must have worker participation. In such cases, the Minister of Labour must be satisfied that the committee or other arrangement provides benefits for the health and safety of workers that are equal to, or greater than, those conferred by a committee established under the Act.***

Several workplaces are not required under the Act to establish a joint health and safety committee. These are construction projects, offices, shops, apartments, libraries, museums, art galleries, restaurants, hotels, theatres and private clubs. While these workplaces are exempt under the Act, the Minister of Labour is empowered to order that a committee be established.

Who are health and safety representatives?

The Minister of Labour also has the power to order the selection of one or more individual health and safety representatives in

workplaces that are not required to have a joint health and safety committee.

Health and safety representatives have responsibilities and functions similar to those of members of the joint health and safety committees. These include ***the right to conduct investigations; to accompany a ministry inspector during an inspection of the workplace; and to such time from work as necessary for these activities and to be paid for them at a rate of pay equal to that which would have been received if the individual was performing his or her regular work.***

In the construction industry, ***where 20 or more people work regularly on a project, the constructor or general contractor is required to arrange for the workers to select one or more health and safety representatives.*** Training programs for health and safety representatives within the construction industry are being developed and provided by the Construction Safety Association of Ontario in conjunction with the Provincial Labour Management Safety Committee. This committee represents both labour and management meeting together on a regular basis with government officials to discuss health and safety concerns.

What if there is a dispute regarding the establishment of a joint health and safety committee?

If, after discussion, one party does not agree to the right or need for a committee, the Minister of Labour may be asked to order that the employer establish a committee. Such an order may provide for composition, practices and procedures of the committee.

Where a committee is required by law and there is a dispute regarding its establishment, composition or function, the ministry should be alerted. Upon investigation, the ministry may issue orders where they are necessary.

Who is responsible for initiating the establishment of a joint health and safety committee?

The employer is responsible for taking the required steps to have a committee established. This should be done in consultation with the workers or their representatives (See Chapter 2, second question of this guidebook).

What if an employer already provides occupational health services?

If an occupational health service is provided by a particular employer, the joint health and safety committee that is established should work in co-operation with it and include its staff in health and safety activities. Provision should be made to ensure free discussion and effective communication of all relevant information between the service and the committee. The health service and the joint health and safety committee should inform each other, in writing, of decisions made and actions taken regarding health and safety concerns.

2. Forming a Joint Health and Safety Committee

What is an appropriate size and structure for a committee?

The Act gives employers and workers some freedom in determining the size and structure of a committee. However, ***a committee must have at least two members. At least half of the committee's members must represent workers.*** The rest of the committee's members should represent management. The committee should be large enough to fairly represent the workers, but not so large as to be unwieldy. In very large operations, subcommittees may be desirable, with these subcommittees reporting to the main committee.

Employers and worker representatives may find it useful to discuss the following points when determining the size and structure of the committee:

- How complex is the organization?
- How many workers are involved?
- How many different operations or processes may be involved?
- What is the geographic location of these workers?
- What are the hazards in the workplace?
- What accident prevention measures are used in the workplace and are they effective?
- What are the existing health and safety problems?
- Is there a formal education program for health and safety?

The following is a formula which, in some cases, may be used as a ready guide to determine an appropriate number of worker members.

Less than 50 workers - two worker committee members;
50 - 500 workers - three worker committee members;
500 - 1,000 workers - four worker committee members;
Each 1,000 thereafter - one additional worker committee member to full complement.

This guide should be adjusted to the particular circumstances of the workplace. For example, if worker members are on different shifts, it may be desirable to arrange for additional worker members to be selected as alternates.

Who selects the committee members?

Worker members must be selected by the workers. In a unionized workplace, the worker members must be selected by the trade union or unions representing the workers. Names of committee members must be posted conspicuously throughout the workplace.

The Ministry of Labour recognizes the important role employer's representatives play in the development and functioning of an effective joint health and safety committee. In recognition of this critical role, the ministry recommends that employer's representatives be chosen for their knowledge of operations as well as for their duties and responsibilities as they relate to work procedures and safety.

Who else may join the committee?

Ex-officio members of the joint health and safety committee are not recommended. When dealing with a specific issue, the committee may invite persons with specialized knowledge or experience, from either within or outside the company, to attend in an advisory or observer capacity.

What is an appropriate term of office for committee members?

It is recommended that the term of office of committee members be at least one year. To provide continuity, terms may be staggered and vacancies should be filled as quickly as possible.

May the committee have more than one chairperson?

In some cases, co-chairpersons are appropriate, one, chosen by the worker members and the other, by the employer members. Chairpersons may alternate from meeting to meeting or as the committee mutually agrees.

Do committee members get paid for time spent attending meetings, performing inspections and conducting investigations?

The Act entitles committee members to such time from work as is necessary for joint health and safety committee meetings, inspections and investigations. Not only is the applicable rate of pay that which the individuals would receive if they were performing their regular work, but appropriate overtime rates apply when such duties take members beyond their regular hours of work.

3. Meetings of the Joint Health and Safety Committee

How often must the committee meet?

A regular meeting of the joint health and safety committee must take place at least once every three months (section 8 (11)). The need for more frequent meetings should be determined by the committee. For example, more frequent meetings are appropriate in industries in which hazardous substances or procedures are involved.

Is a quorum necessary?

The committee should determine its own rules for a quorum at meetings. However, every meeting of the joint health and safety committee should have members representing both the workers and the employer present.

How must committee members be notified of meetings?

All committee members should be notified of the time and place of each meeting. The minutes of the previous meeting should indicate the date, time and place of the next meeting.

How must an agenda be prepared?

All committee members should give the chairperson or co-chairpersons ample notice of items they wish to raise at the meeting. An agenda should be prepared by the chairperson(s) and be distributed to all members at least one week in advance of the meeting.

Must minutes of the committee meetings be kept?

Minutes of all joint health and safety committee meetings must be recorded and available for review by an inspector from the Ministry of Labour. The employer should provide facilities and materials for the making and keeping of minutes. These minutes should contain details of all matters discussed, along with a full description of problems and their resolution or any further action deemed necessary. It is suggested that the minutes be signed by a worker and employer representative and that a copy of the entire document be posted in the workplace within one week of completion of the meeting.

What if a committee member disputes the accuracy of the minutes?

When a committee member disputes the accuracy of the minutes of a meeting, the matter should be raised immediately with the chairperson(s). If still unresolved, the matter should be reviewed by the committee.

4. Roles of the Joint Health and Safety Committee

What about confidentiality?

The Act requires joint health and safety committee members to observe some basic rules of confidentiality (section 34 of the Act). Except where specifically allowed by the Act or as required by law, failure to observe these requirements constitutes a contravention of the Act.

These rules of confidentiality include the following:

- ***committee members must not disclose any secret manufacturing process or trade information; and***
- ***information obtained from medical examinations and tests may be disclosed only in a manner that does not identify particular persons.***

What is the role of the committee regarding inspections of the workplace?

Identification of hazards in the workplace is a priority. Through inspections the joint health and safety committee may identify dangerous or hazardous situations and make recommendations about them to the employer and the workers. Investigations are also important to enable the committee to identify and deal with workers' concerns including refusals to work and accidents or injuries to workers.

The representatives of workers on the joint health and safety committee are required to designate one of their group to inspect the physical condition of the workplace (section 8(8)). Such

inspections may not be carried out more than once a month except 1) in relation to a critical injury, a fatality or a refusal to work; 2) where a director of the Ministry of Labour orders an inspection at any time or requires more frequent inspections (sections 8(8), 8(9), and 23). Critical injury has been defined by regulation. A copy of the regulation may be found in Appendix 2 of this guidebook.

In addition to inspections of the physical conditions of the workplace, plant-wide surveys may be a useful tool to help the committee. They enable the committee to become familiar with the types of work and the ways of working, identify health and safety hazards with a view to resolving them and identify workers' concerns relating health and safety to the work situation.

What is the role of the committee in dealing with worker concerns?

A worker must report any hazard or contravention of the Act of which he is aware to his employer or supervisor (section 17(1)(d)). If the matter is not resolved, a worker may then refer it to any member of the joint health and safety committee, either in oral or written form.

When the matter has been referred to a committee member, the member should take the following steps:

1) The committee member should encourage resolution of the matter by a first-line supervisor, the plant safety officer or other person with designated responsibility in the area involved;
2) If the reported matter is resolved, it should be noted at the next committee meeting and recorded in the minutes of the committee meeting;
3) A worker who has expressed a health or safety problem to a member of the joint health and safety committee should be notified of any decision or recommendation made by the committee in respect to his or her concern;

4) The majority of health and safety problems referred to the joint health and safety committee should be resolved by the committee. When a satisfactory resolution is not achieved, the chairperson or co-chairpersons should inform the employer. If the employer is unable to resolve the issue, he or she may contact a ministry inspector who will review the situation and, if appropriate, make recommendations. ***Where there has been a contravention of the Act, the inspector may issue an order.***

The above does not affect the worker's right to notify the nearest office of the ministry's Occupational Health and Safety Division regarding any health or safety problem needing investigation.

What is the role of the committee in the event of a refusal to work?

A worker has the right to refuse work he or she believes is likely to endanger himself or herself or other workers. The worker's supervisor is to promptly investigate a refusal to work once it has been reported to him or her. This investigation is to be conducted in the presence of a joint health and safety committee worker member, a health and safety representative or a worker selected by the workers to represent them.

If the issue is not resolved, and if the worker concludes that there are reasonable grounds to believe the work is unsafe, the employer, the worker or a person acting on behalf of either party, such as a joint health and safety committee member, must ensure that a Ministry of Labour inspector is notified. A worker member of the joint health and safety committee or a health and safety representative, as well as the concerned worker and a representative of the employer, must be present while the inspector conducts the investigation.

What is the role of the committee in the event of a 'near accident'?

Reports of occurrences, mentioned in section 27 of the Act, that may be termed 'near accidents' should be examined by the joint health and safety committee and discussed at its next meeting.

What is the role of the committee in the event of an injury or sickness?

Employers are obliged to inform the joint health and safety committee immediately following the occurrence of any accident involving critical injury or death (section 25). The employer also must inform the committee within four days of any injury requiring medical attention or any report to the employer of an occupational illness in a present or former worker (section 26). Medical attention refers to those injuries requiring the attention of a physician.

The worker members of the committee must designate one or more worker members to investigate (or assist in the investigation of) any accident in which a person is killed or critically injured (section 8(9)). One of these investigators may inspect the place where the accident occurred, as well as any machine, device or thing. The worker member doing the investigation should be given full access to the area and equipment involved, and should be allowed to question witnesses without hindrance or interference. ***Following the investigation, all findings must be reported to the joint health and safety committee and to the appropriate director of the Ministry of Labour.*** It is the committee's responsibility to evaluate the situation and recommend actions to prevent a similar accident in the future.

What if recommendations of the committee are not acted upon by the employer?

Where a specific recommendation is made that an employer does not act upon, and the recommendation concerns a breach or contravention of the Act or a regulation, a ministry inspector, on

being notified, can investigate and ***may issue an order where there are contraventions of the Act or regulations.***

With regard to designated substances regulations, the employer may disagree with a committee's comments about an assessment, the measures and procedures to protect workers exposed to a substance, or a control program. Where a dispute arises, a committee member, the employer or the committee may notify the ministry. The ministry ***will send an inspector who shall investigate and give a decision in writing to the employer, the member or the committee. Where there has been a contravention, the inspector may issue an order.***

5. Rights of the Joint Health and Safety Committee

What are the committee's rights regarding information?

The committee is entitled to obtain information:

1) ***of hazards from materials, processes or equipment;***
2) ***of health and safety experience, practices and standards in the industry of which the employer has knowledge.***

The employer is also required to report lost-time injuries caused by accident, explosion or fire at the workplace and occupational illnesses of which he or she has knowledge.

When a ministry inspector visits the workplace, a worker member of the committee is entitled to accompany a ministry inspector on a physical inspection of the workplace (section 28(3)). A supervisor or other representative of the employer also may be present.

The Workers' Compensation Board, at the request of the committee, is required to send to the committee an annual summary of data respecting the number of fatalities, lost work-day cases, work-days lost, non-fatal cases requiring medical care (but not involving lost work days) and the number of occupational illnesses.

Under the designated substances regulations (See Chapter 1, question 2 of this guidebook) ***each member of a committee is entitled to receive from the employer a copy of the assessment and control program reports. In addition, committees are required to receive reports from the examining physician on the health of the workers*** who are under a medical surveillance program required by each regulation. Finally, a ***committee is entitled to receive***

from the employer results of the airborne concentrations of the substances regulated and the exposure of a worker to the substances.

What are the committee's rights regarding co-operation of the employer, supervisors and workers?

It is an offence to knowingly hinder, interfere or give false information to a joint health and safety committee or a committee member or a health and safety representative in the exercise of a power or performance of a duty under the Act (sections 33(5)(a), 33(5)(b)). Similarly, it is an offence to hinder or interfere with a worker selected by one or more trade unions or a worker selected by the workers to represent them in the exercise of a power or performance of a duty under the Act (section 33(5)(c)).

The employer must

- *upon the request of the committee, provide information regarding the identification of potential or existing hazards involving materials, processes or equipment;*
- *afford assistance and co-operation in the carrying out of the committee's functions*
- *upon request of the committee, inform the committee of changes in work procedures, introduction of new machinery or processes, use of new chemicals and other materials and the availability of new safety equipment;*
- *provide the joint health and safety committee with a copy of all orders or reports issued to the employer by an inspector of the Occupational Health and Safety Division of the Ministry of Labour;*
- *afford a worker member of the committee the opportunity to accompany a ministry inspector on the physical inspection of the workplace;*
- *afford a worker member of the committee the right to inspect the physical condition of the workplace not more than once a*

month (unless so ordered by a director) and provide required information and assistance;

- *provide the information required under the designated substances regulations where they apply to the workplace.*

Even without a specific request of the committee, the employer should , as a matter of good practice, provide the committee with information regarding changes in work procedures, introduction of new machinery or processes, use of new chemicals and other materials and the availability of new safety equipment that may affect the health or safety of workers.

A supervisor must:

- *when acting as the representative of the employer, assume the legal responsibilities of the employer to the best of his or her ability.*

A worker must:

- *not interfere with a committee member or knowingly furnish a committee member with false information;*
- *provide information and assistance as may be required by a committee member who is conducting an inspection.*

What resources are available to joint health and safety committees?

The effectiveness of a joint health and safety committee depends upon the knowledge and skills of its members. ***The Act requires that employers provide information, instruction and supervision as may be required to protect the health and safety of a worker (section 14).*** However, the more the committee knows about the various types of work being performed by the people it represents, the more able it will be to respond to the needs and concerns in the workplace.

There are a variety of educational resources and programs offered by the ministry, accident prevention associations and the organized labour movement. These resources and programs can be a vital tool in the development of committee members' knowledge and skills.

Specific health and safety concerns may be referred to either the Construction, Industrial or Mining Health and Safety Branch within the Occupational Health and Safety Division of the Ministry of Labour. The Occupational Health and Safety Division will assist the joint health and safety committee in evaluating these concerns and will contribute its expertise toward achieving a workable solution.

A list of Division addresses and telephone numbers is included on the following pages.

Ministry of Labour
District Offices

Barrie
Industrial Health and Safety
114 Worsley Street
L4M 1M1
(705) 722-6642

Elliot Lake
Mining Health and Safety
10a Brunswick Walk
P5A 2A8
(705) 848-2885

Hamilton
119 King Street West
L8N 3Z9
Construction Health and Safety
(416) 521-7746
Industrial Health and Safety
(416) 521-7744
1-800-263-6906(8)*

Kingston
1055 Princess Street
K7L 1H3
Construction Health and Safety
Industrial Health and Safety
(613) 547-3414
1-800-267-0915*
Mining Health and Safety
(613) 547-3418
Zenith 57740*

Kirkland Lake
Mining Health and Safety
4 Government Road East
P2N 1A2
(705) 567-5241

Kitchener
824 King Street West
N2G 1G1
Construction Health and Safety
Industrial Health and Safety
(519) 744-8101
1-800-265-8723*

London
205 Oxford Street East
N6A 5G6
Construction Health and Safety
Industrial Health and Safety
Mining Health and Safety
(519) 439-3231
1-800-265-4707*

North Bay
Industrial Health and Safety
222 McIntyre Street West
P1B 2Y8
(705) 476-2711

Ottawa
2197 Riverside Drive
K1H 7X3
Construction Health and Safety
Industrial Health and Safety
(613) 523-7530
1-800-267-1916*

Peterborough
Industrial Health and Safety
139 George Street North
K9J 3G6
(705) 876-1800

Richmond Hill
Mining Health and Safety
10720 Yonge Street
L4C 3C9
(416) 884-6551
Zenith 57740*

St. Catharines
205 King Street
L2R 3J5
Construction Health and Safety
Industrial Health and Safety
(416) 682-7261
1-800-263-7260*

Sarnia
Industrial Health and Safety
700 Christina Street North
N7V 3C2
(519) 336-1200

Sault Ste. Marie
390 Bay Street
P6A 1X2
Construction Health and Safety
Industrial Health and Safety
(705) 949-3331

Sudbury
199 Larch Street
P3E 5P9
Construction Health and Safety
Industrial Health and Safety
(705) 675-4455
1-800-461-4000*
Mining Health and Safety
(705) 675-4464
Zenith 57740*

Sudbury
260 Cedar Street
P3B 3X2
Mining Health and Safety
(Chief Engineers)
(705) 675-4468

Thunder Bay
435 James Street South
P7E 6E3
Construction Health and Safety
Industrial Health and Safety
(807) 475-1691
Mining Health and Safety
(807) 475-1675
1-800-465-6937(8)*

Timmins
273 Third Avenue
P4N 1E2
Construction Health and Safety
Industrial Health and Safety
Mining Health and Safety
(705) 267-6231
Zenith 57740* (Mining)

Toronto East
2500 Lawrence Avenue East
Scarborough
M1P 2R7
Construction Health and Safety
(416) 750-3560
Industrial Health and Safety
(416) 750-3570

Toronto West
2 Robert Speck Parkway
Mississauga
L4Z 1H8
Construction Health and Safety
(416) 273-7814
Industrial Health and Safety
(416) 273-7800
1-800-268-2894*

Windsor
500 Ouellette Avenue
N9A 1B3
Construction Health and Safety
Industrial Health and Safety
(519) 256-8278
1-800-265-1333(4)*

Head Office
400 University Avenue
Toronto, Ontario
M7A 1T7

Construction Health and Safety
(416) 965-7161
1-800-268-8013*
Industrial Health and Safety
(416) 965-4125
Mining Health and Safety
(416) 965-1328
Occupational Health
(416) 965-3211
Special Studies and Services
(416) 965-2493
Standards and Programs
(416) 965-8710

*Toll free line. For callers located within the area code but outside the local calling area of this city. Consult the blue pages in your local telephone directory for additional information. The Ministry may also be reached 24 hours a day through the emergency telephone number in Toronto (416) 965-1211.

Appendix 1:
Sections 7 and 8 of the Occupational Health and Safety Act

Mandatory selection of health and safety representative

7.—(1) Where the number of workers at a project regularly exceeds twenty, the constructor shall cause the workers to select at least one health and safety representative from among the workers on the project who do not exercise managerial functions.

Order appointing health and safety representatives

(2) Where no committee has been established under section 8, or where the number of workers at a project does not regularly exceed twenty, the Minister may, by order in writing, require a constructor or an employer to cause the selection of one or more health and safety representatives for a work place or a part or parts thereof from among the workers employed at the work place or in the part or parts thereof who do not exercise managerial functions, and may provide in the order for the qualifications of such representative or representatives.

Idem

(3) The Minister may from time to time give such directions as the Minister considers advisable concerning the carrying out of the functions of a health and safety representative.

What Minister shall consider

(4) In exercising the power conferred by subsection (2), the Minister shall consider the matters set out in subsection 8 (4).

Selection of representatives

(5) The selection of a health and safety representative shall be made by those workers who do not exercise managerial functions and who will be represented by the health and safety representative in the work place, or the part or parts thereof, as the case may be, or, where there is a trade union or trade unions representing such workers, by the trade union or trade unions.

Powers of representative

(6) A health and safety representative may inspect the physical condition of the work place or the part or parts thereof for which he has been selected, as the case may be, not more often than once a month or at such intervals as a Director may direct, and it is the duty of the employer and the workers to afford the health and safety representative

such information and assistance as may be required for the purpose of carrying out the inspection.

Idem

(7) A health and safety representative has power to identify situations that may be a source of danger or hazard to workers and to make recommendations or report his findings thereon to the employer, the workers and the trade union or trade unions representing the workers.

Notice of accident, inspection by representative

(8) Where a person is killed or critically injured at a work place from any cause, the health and safety representative may, subject to subsection 25 (2), inspect the place where the accident occurred and any machine, device or thing, and shall report his findings in writing to a Director.

Entitlement to time from work

(9) A health and safety representative is entitled to take such time from his work as is necessary to carry out his duties under subsections (6) and (8) and the time so spent shall be deemed to be work time for which he shall be paid by his employer at his regular or premium rate as may be proper.

Additional powers of certain health and safety representatives

(10) A health and safety representative or representatives of like nature appointed or selected under the provisions of a collective agreement or other agreement or arrangement between the constructor or the employer and the workers, has, in addition to his functions and powers under the provisions of the collective agreement or other agreement or arrangement the functions and powers conferred upon a health and safety representative by subsections (6), (7) and (8). 1978, c. 83, s. 7.

Application

8.—(1) Subject to subsection (3), this section does not apply,

(*a*) to a constructor or an employer who undertakes to perform work or supply services on a project; or

(*b*) to an employer in respect of those workers who work,

(i) in that part or those parts of a building used for office purposes,

(ii) in a shop where goods or services are sold or offered for sale to the public, except any part used as a factory,

(iii) in a building used for multiple residential accommodation,

(iv) in a library, museum or art gallery,

(v) in a restaurant, hotel, motel or premises for which a licence or permit has been issued under the *Liquor Licence Act* except that part used as a kitchen or laundry, R.S.O. 1980, c. 244

(vi) in a theatre or place of public entertainment, or

(vii) in premises occupied and used by a fraternal or social organization or a private club.

Establishment of joint health and safety committees

(2) Subject to subsection 3, where,

(*a*) twenty or more workers are regularly employed at a work place;

(*b*) a regulation made in respect of a designated substance applies to a work place; or

(*c*) an order to an employer is in effect under section 20,

the employer shall cause a joint health and safety committee to be established and maintained at the work place unless the Minister is satisfied that a committee of like nature or an arrangement, program or system in which the workers participate is, on the date this Act comes into force, established and maintained pursuant to a collective agreement or other agreement or arrangement and that such committee, arrangement, program or system provides benefits for the health and safety of the workers equal to, or greater than, the benefits to be derived under a committee established under this section.

Minister's order

(3) Notwithstanding subsections (1) and (2), the Minister may, by order in writing, require a constructor or an employer to establish and maintain one or more joint health and safety committees for a work place or a part thereof, and may, in such order, provide for the composition, practice and procedure of any committee so established.

What Minister shall consider

(4) In exercising the power conferred by subsection (3), the Minister shall consider,

(*a*) the nature of the work being done;

(*b*) the request of a constructor, an employer, a group of the workers or the trade union or trade unions representing the workers in a work place;

(c) the frequency of illness or injury in the work place or in the industry of which the constructor or employer is a part;

(d) the existence of health and safety programs and procedures in the work place and the effectiveness thereof; and

(e) such other matters as the Minister considers advisable.

Composition of committee

(5) A committee shall consist of at least two persons of whom at least half shall be workers who do not exercise managerial functions to be selected by the workers they are to represent or, where there is a trade union or trade unions representing such workers, by the trade union or trade unions.

Powers of committee

(6) It is the function of a committee and it has power to,

(a) identify situations that may be a source of danger or hazard to workers;

(b) make recommendations to the constructor or employer and the workers for the improvement of the health and safety of workers;

(c) recommend to the constructor or employer and the workers the establishment, maintenance and monitoring of programs, measures and procedures respecting the health or safety of workers; and

(d) obtain information from the constructor or employer respecting,

(i) the identification of potential or existing hazards of materials, processes or equipment, and

(ii) health and safety experience and work practices and standards in similar or other industries of which the constructor or employer has knowledge.

Minutes of proceedings

(7) A committee shall maintain and keep minutes of its proceedings and make the same available for examination and review by an inspector.

Powers of designated member

(8) The members of a committee who represent workers shall designate one of the members representing workers to inspect the physical condition of the work place, not more often than once a month or at such intervals as a Director may direct, and it is the duty of the employer and the workers to afford that member such information and assistance

as may be required for the purpose of carrying out the inspection.

Idem

(9) The members of a committee who represent workers shall designate one or more such members to investigate cases where a worker is killed or critically injured at a work place from any cause and one of those members may, subject to subsection 25 (2), inspect the place where the accident occurred and any machine, device or thing, and shall report his findings to a Director and to the committee.

Posting of names and work locations

(10) A constructor or an employer required to establish a committee under this section shall post and keep posted at the work place the names and work locations of the committee members in a conspicuous place or places where they are most likely to come to the attention of the workers.

Meetings

(11) A committee shall meet at least once every three months at the work place and may be required to meet by order of the Minister.

Entitlement to time from work

(12) A member of a committee is entitled to such time from his work as is necessary to attend meetings of the committee and to carry out his duties under subsections (8) and (9) and the time so spent shall be deemed to be work time for which he shall be paid by his employer at his regular or premium rate as may be proper.

Additional powers of certain committees

(13) Any committee of a like nature to a committee established under this section in existence in a work place under the provisions of a collective agreement or other agreement or arrangement between a constructor or an employer and the workers, has, in addition to its functions and powers under the provisions of the collective agreement or other agreement or arrangement, the functions and powers conferred upon a committee by this section.

Dispute resolution

(14) Where a dispute arises as to the application of subsection (2), or the compliance or purported compliance therewith by an employer, the dispute shall be decided by the Minister after consulting the employer and the workers or the trade union or trade unions representing the workers. 1978, c. 83, s. 8.

Appendix 2: Critical Injury Defined (Ontario Regulation 714/82)

ONTARIO REGULATION 714/82

under the Occupational Health and Safety Act

CRITICAL INJURY—DEFINED

1. For the purposes of the Act and the Regulations, "critically injured" means an injury of a serious nature that,

(*a*) places life in jeopardy;

(*b*) produces unconsciousness;

(*c*) results in substantial loss of blood;

(*d*) involves the fracture of a leg or arm but not a finger or toe;

(*e*) involves the amputation of a leg, arm, hand or foot but not a finger or toe;

(*f*) consists of burns to a major portion of the body; or

(*g*) causes the loss of sight in an eye. O. Reg. 714/82, s. 1.

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5M-3-83 ISBN 0-7743-8150-7